IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA**

**WRIT PETITION NO : 28953 of 1995**

Between:

1 G.SHAKUNTALA W/O LATE G.NARENDRA
R/O UPPALAGUTTA, WARANGAL,
WARANGAL DIST.
2 SUNIL KUMAR S/O SHAKUNTALA
R/O UPPALAGUTTA, WARANGAL,
WARANGAL DIST.
3 SHRUJANA D/O SHAKUNTALA
R/O UPPALAGUTTA, WARANGAL,
WARANGAL DIST.

(Petitioners 2 and 3 being Minors rep.by their mother i.e., 1st respondent)

**..... PETITIONERS**

AND

1 THE DEPOT MANAGER APSRTC
APSRTC DEPOT BADRACHALAM,
KHAMMAM DIST.
2 THE DEPOT MANAGER APSRTC
APSRTC DEPO ANAKAPALLY,
VIZAG DIST.
3 THE DIVISIONAL MANAGER APSRTC
KARIMNAGAR, KARIMNAGAR DIST.
4 THE MANAGING DIRECTOR-CUM-GENERAL MANAGER APSRTC
MUSHEERABAD, HYDERABAD.
5 THE CHARIMAN INDUSTRIAL.TRIBUNAL.CUM.LABOUR.CUT
WARANGAL, WARANGAL DIST.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari for calling the records pertaining to G.O.RT.NO.1714, women development & child welfare(LAB.I) department, dt:20-8-93 in which an award in I.D.NO.126/91 DT:24-6-93 which is passed confirming the order of the respondents IN PROC.NO.APSRTC.NO.STENO/104(157)/86-BCM, dt;25-4-87 and quash the same and consequently to declare that the petitioners are entitled to all the benefits that might have accrued to the deceased and to give compassionate appointment to the 1st petitioner.

**Counsel for the Petitioners: MR.B.SUDHAKAR REDDY & NEERAJA REDDY**

**Counsel for the Respondent Nos 1 to 4:Ms. P.Rajani (SC FOR A.P.S.R.T.C.)**

**Counsel for the Respondent No.5: The Government Pleader for Labour.**

**The Court made the following :**

**ORDER:**

This writ petition is filed by the wife and children of one G. Narender, who is working as a Conductor with the respondent- Corporation, for issuance of a writ of Certiorari calling for the records pertaining to G.O.Rt.No.1714, Women Development and Child Welfare (LAB.I) Department, dated 20.08.1993, wherein the award in I.D.No.126 of 1991 dated 24.06.1993 was published and to quash the same and consequently, to declare that the petitioners are entitled to all the terminal benefits that might have accrued to the deceased-Narender and also to give compassionate appointment to the first petitioner herein.

The facts, in brief, are that the first petitioner's husband was appointed as a regular conductor in the year 1970 in the respondent-Corporation. While so, when he was on duty, on 06.11.1986, in a bus bearing No. APZ 9710, a surprise check was conducted, and during the course of the said check, the checking officials detected certain irregularities in the issuance of the tickets. Pursuant to that, a charge memo was issued to the husband of the first petitioner. Subsequently, the first petitioner's

husband was suspended on 18.11.1986 and an enquiry was conducted. The first petitioner's husband participated in the said enquiry and the enquiry officer submitted a report holding that the first petitioner's husband is guilty of the charges.

It may not be out of place to mention the charges framed against the first petitioner's husband. The charges levelled against the first petitioner's husband, reads as follows:-

> "For having re-issued the tickets bearing Nos. 154/911304, 305, 306, 307 and 308 of Rs.2/- denomination to a batch of two passengers and another batch of three passengers who boarded your bus at Chunchukonda and found alighting at Anakapalli ex-stages.14 to 10 from whom you have already collected Rs.2/- (two) cash at the boarding point itself and the same were re-issued as per the S.R., from stage No.10 in up-journey i.e., for 12.00 hrs. Anakapalli to Chunchukonda service by you and the same numbers were closed up to stage No.14 which constitutes mis-conduct under Reg. No.28 (xxiii) and (x) of APSRTC Employees' (conduct) Regulations, 1963."

After following the due procedure i.e., issuance of the show cause notice, calling for his explanation etc., the first petitioner's husband was removed from the service. As against the said order of removal, the first petitioner's husband raised an industrial dispute in I.D.No.126 of 1997 before the Industrial Tribunal-cum-Labour Court, at Warangal, and the Labour Court after considering the material on record passed an award on 24.06.1993 confirming the order of removal passed by the Depot Manager, A.P.S.R.T.C. Bus Depot, at Badrachalam. As against the said award, the present Writ Petition is filed by the wife and children of the said Narender as he died subsequently.

A detailed counter-affidavit is filed on behalf of the respondents 1 to 4.

Heard both the learned Counsel.

Except narrating the events as to how they have taken place, nothing is stated in the affidavit, filed in support of the writ petition, as to how the order of removal passed by the Disciplinary Authority as confirmed by the Labour Court is arbitrary or illegal. Further, this Court is exercising its judicial review, and as such it may not be proper to thrash out the issues on facts that were already decided by the Disciplinary Authority as well as the Labour Court. Hence, I feel there are no merits in the writ

petition, and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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18th November, 2004

bud/vp

Copy to:

1. The Depot Manager, Bhadrachalam,
   A.P.S.R.T.C., Depot, Khammam District.
2. The Depot Manager, A.P.S.R.T.C.,
   Anakapally, Vizag District.
3. The Divisional Manager, A.P.S.R.T.C.,
   Karimnagar, Karimnagar District.
4. The Managing Director-cum-General Manager, A.P.S.R.T.C.,
   Musheerabad, Hyderabad.
5. The Chairman, Industrial-cum-Industrial Labour Court, Waranagal.
6. Two C.D.Copies.

7. Two CCs to the Government Pleader forLabour, High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)